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CITY OF OAKLAND



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ONE FRANK H. OGAWA PLAZA • 6TH FLOOR • OAKLAND, CALIFORNIA 94612

Office of the City Attorney
John A. Russo
City Attorney

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October 7, 2008

HONORABLE CITY COUNCIL
Oakland, California

President De La Fuente and Members of the City Council:

**Subject: *Sylvia DeWitt v. City of Oakland, et al.*
Alameda County Superior Court Action No. RG07313266
City Attorney File No. X02990 (Office of the City Auditor)**

Pursuant to Section 401 of the Charter, the City Attorney has prepared a resolution authorizing and recommending settlement of the above-captioned matter for the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000), payable to plaintiff Sylvia DeWitt and her attorney, Jason M. Erlich, Esq. Former City Auditor Roland Smith will contribute an additional Seventy-Five Thousand Dollars (\$75,000) of his personal funds to the resolution of the lawsuit. Plaintiff Sylvia DeWitt will receive a global settlement of Two Hundred Thousand Dollars (\$200,000) in resolution of her claims.

This action arises in the office of former City Auditor Roland Smith. Plaintiff alleges, among other things, that she was sexually harassed by Smith while employed in that office. The settlement was approved by the City Council in closed session on September 16, 2008.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'John A. Russo', written over a horizontal line.

JOHN A. RUSSO
City Attorney

Attorney Assigned:
Vicki Laden

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RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO COMPROMISE AND SETTLE THE CASE OF SYLVIA DEWITT V. CITY OF OAKLAND, ET AL., ALAMEDA COUNTY SUPERIOR COURT CASE NO. RG07313266, IN THE AMOUNT OF \$125,000.00 (OFFICE OF THE FORMER CITY AUDITOR)

WHEREAS, on February 8, 2007, Sylvia DeWitt filed a lawsuit alleging that she was subjected to sexual harassment by former City Auditor Roland Smith and that she also experienced retaliation.

WHEREAS, Sylvia DeWitt has agreed to accept the amount of One Hundred Twenty-Five Thousand Dollars (\$125,000), in payment from the City, subject to approval of the Oakland City Council, as full settlement of her claims against the City in this referenced action;

WHEREAS, former City Auditor Roland Smith will contribute an additional Seventy-Five Thousand Dollars (\$75,000) of his personal funds to resolve plaintiff's claims against him, for a global settlement of Two Hundred Thousand Dollars (\$200,000); it is hereby

RESOLVED: That the City Attorney is authorized and directed to compromise and settle the case of *Sylvia DeWitt v. City of Oakland, et al.*, Alameda County Superior Court Case No. RG07313266, City Attorney's File No. X02990, for a sum not to exceed a total amount of One Hundred Twenty-Five Thousand Dollars (\$125,000).

FURTHER RESOLVED: That the City Attorney is further authorized and directed to take whatever steps as may be necessary to effect said settlement; and be it

FURTHER RESOLVED: That the sum of One Hundred Twenty-Five Thousand Dollars (\$125,000) be paid to Sylvia DeWitt and Jason M. Erlich, Esq., her attorney of record.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, and
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____